

AMENDED IN SENATE AUGUST 31, 2011
AMENDED IN SENATE AUGUST 24, 2011
AMENDED IN SENATE JULY 13, 2011
AMENDED IN SENATE JUNE 27, 2011
AMENDED IN ASSEMBLY MARCH 22, 2011
AMENDED IN ASSEMBLY FEBRUARY 2, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 65

Introduced by Assembly Member Gatto

December 9, 2010

An act to amend ~~Sections 9005 and 9087~~ *Section 9085* of the Elections Code, and to amend ~~Section 88003~~ *88002.5* of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 65, as amended, Gatto. Elections: statewide ballot pamphlet.

~~The California Constitution requires the Attorney General to prepare a title and summary of an initiative measure prior to its circulation for signatures. Existing law directs the Attorney General, in preparing the circulating title and summary for an initiative, to include an estimate of the amount of increase or decrease of revenues or costs to the state. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly make and deliver that estimate to the Attorney General so that he or she may include it in the circulating title and summary.~~

~~This bill would, except as specified, based on a determination in the fiscal analysis by the Department of Finance and the Joint Legislative Budget Committee that a measure would provide new revenues for new or existing programs, require that specified language, which advises that the revenue generated by the measure will be forever dedicated for the purposes specified in the measure unless the measure is changed by a future initiative, be provided to the Attorney General and included in the circulatory title and summary.~~

The Political Reform Act of 1974 requires the Legislative Analyst to prepare an impartial analysis of each initiative measure to appear on the ballot, and provides that the Legislative Analyst is solely responsible for determining the content of the analysis. ~~Existing law directs~~ *The act requires* the Legislative Analyst to prepare an unbiased fiscal analysis of a measure that is included in the ballot pamphlet stating whether the measure would ~~result in increased~~ *increase* or ~~decreased costs~~ *decrease* any revenue or cost to the state and an estimate of those costs or savings or local government. *Existing law also requires the Legislative Analyst to prepare for inclusion in the ballot pamphlet a summary statement regarding the general meaning and effect of “yes” and “no” votes on each state measure.*

The Political Reform Act of 1974, an initiative statute, generally provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may without restriction amend specified provisions of the act to add to the ballot pamphlet information regarding candidates or other information.

This bill would, except as specified, require, if a fiscal analysis prepared by the Legislative Analyst determines that a measure would provide ~~new~~ *an increase in* revenues ~~for to fund~~ new or existing programs, that specified language be added ~~to the~~ *at the end of the* “yes” and “no” summary statement in the ballot pamphlet advising that the revenue generated by the measure will be forever dedicated to the purposes specified in the measure unless the measure is changed by a future ~~initiative~~ measure *approved by the voters*. The bill also would contain a finding and declaration of the Legislature that the bill permits or requires additional information to be included in the ballot pamphlet in accordance with the provision of the Political Reform Act of 1974 described above that authorizes the Legislature to add information to the ballot pamphlet.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 9085 of the Elections Code is amended*
2 *to read:*

3 9085. (a) The ballot pamphlet shall also contain a section,
4 located near the front of the pamphlet, that provides a concise
5 summary of the general meaning and effect of “yes” and “no”
6 votes on each state measure.

7 (b) The summary statements required by this section shall be
8 prepared by the Legislative Analyst. These statements are not
9 intended to provide comprehensive information on each measure.
10 The Legislative Analyst shall be solely responsible for determining
11 the contents of these statements. The statements shall be available
12 for public examination and amendment pursuant to Section 9092.

13 (c) (1) *Except as provided in paragraph (2), if an initiative*
14 *measure qualifies for the ballot and the analysis prepared pursuant*
15 *to Section 9087 determines that the initiative measure would*
16 *provide for an increase in revenues to fund new or existing*
17 *programs, the Legislative Analyst shall add a paragraph at the*
18 *end of the summary statement prepared pursuant to this section,*
19 *stating as follows:*

20 *“The following disclaimer is provided pursuant to Assembly Bill*
21 *No. 65 of the 2011–12 Regular Session, as enacted:*

22 *Unless changed by a future measure approved by the voters, the*
23 *taxpayer dollars generated by this initiative will be forever*
24 *dedicated to the purposes listed in this initiative, and cannot be*
25 *spent by the state for any other purpose.”*

26 (2) *Paragraph (1) shall not apply if the measure provides that*
27 *the increase in revenues is to be deposited without restriction into*
28 *the General Fund commencing at a future date after its enactment,*
29 *or if the initiative measure allows the Legislature to reallocate the*
30 *increase in revenues.*

31 *SEC. 2. Section 88002.5 of the Government Code is amended*
32 *to read:*

33 88002.5. (a) The ballot pamphlet shall also contain a section,
34 located near the front of the pamphlet, that provides a concise

1 summary of the general meaning and effect of “yes” and “no”
2 votes on each state measure.

3 (b) The summary statements required by this section shall be
4 prepared by the Legislative Analyst. These statements are not
5 intended to provide comprehensive information on each measure.
6 The Legislative Analyst shall be solely responsible for determining
7 the contents of these statements. The statements shall be available
8 for public examination and amendment pursuant to Section 88006.

9 (c) (1) *Except as provided in paragraph (2), if an initiative*
10 *measure qualifies for the ballot and the analysis prepared pursuant*
11 *to Section 88003 determines that the initiative measure would*
12 *provide for an increase in revenues to fund new or existing*
13 *programs, the Legislative Analyst shall add a paragraph at the*
14 *end of the summary statement prepared pursuant to this section,*
15 *stating as follows:*

16 *“The following disclaimer is provided pursuant to Assembly Bill*
17 *No. 65 of the 2011–12 Regular Session, as enacted:*

18 *Unless changed by a future measure approved by the voters, the*
19 *taxpayer dollars generated by this initiative will be forever*
20 *dedicated to the purposes listed in this initiative, and cannot be*
21 *spent by the state for any other purpose.”*

22 (2) *Paragraph (1) shall not apply if the measure provides that*
23 *the increase in revenues is to be deposited without restriction into*
24 *the General Fund commencing at a future date after its enactment,*
25 *or if the initiative measure allows the Legislature to reallocate the*
26 *increase in revenues.*

27 *SEC. 3. The Legislature finds and declares that this act permits*
28 *or requires the inclusion of additional information on the ballot*
29 *pamphlet in accordance with Section 88007 of the Government*
30 *Code.*

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33 **All matter omitted in this version of the bill**
34 **appears in the bill as amended in the**
35 **Senate, August 24, 2011. (JR11)**
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